

# KAPLAN HECKER & FINK LLP

350 FIFTH AVENUE | 63<sup>RD</sup> FLOOR  
NEW YORK, NEW YORK 10118  
TEL (212) 763-0883 | FAX (212) 564-0883  
WWW.KAPLANHECKER.COM

DIRECT DIAL 212.763.0886

DIRECT EMAIL [jquinn@kaplanhecker.com](mailto:jquinn@kaplanhecker.com)

September 28, 2022

## VIA EMAIL

The Honorable Sarah L. Cave  
United States District Court for the Southern District of New York  
500 Pearl St.  
New York, NY 10007

*Re: McKoy, et al. v. The Trump Corporation, et al., 18-cv-9936 (LGS)*

Dear Judge Cave:

I write in brief response to Defendants' filing of 7:00 pm, to respectfully correct the record, and to address Defendants' eleventh-hour request that the deposition of the lead Defendant be conducted via Zoom.

First, over the past weeks, counsel have had multiple conversations about deposition scheduling, and have always worked collaboratively to reschedule depositions as needed. However, in many of those conversations, defense counsel communicated to us that the September 30 date for President's Trump was locked in and that they would not be able to reschedule it. Accordingly, the statement in our email of Sunday that we "wanted to keep the date" reflected that background and our understanding of Defendants' position, and so our proposal was to relocate the deposition. Defendants never suggested to us that they thought travel was "absolutely absurd" under the circumstances, nor did they seek any rescheduling, which of course we would have agreed to, as we have with multiple other witnesses. Similarly, counsel made no such request during our call yesterday, nor did they indicate that they would agree to any rescheduling. If they had, we would have agreed. I am prepared to answer any questions or to further address any details—under oath if needed—as directed.

Second, the proposal to conduct Mr. Trump's deposition via Zoom is not workable. Mr. Trump is a Defendant in the case, and we have more than 70 documents and 20 video clips we plan to or may use. Counsel's travel should not be a basis to force such a critical and complex deposition into a remote format. If Defendants' position is that this deposition should have been rescheduled earlier, we see no reason it cannot be rescheduled now. As noted in our prior submission, we will make every effort to accommodate Mr. Trump's schedule and preferred location.

KAPLAN HECKER & FINK LLP

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John C. Quinn", written in a cursive style.

John C. Quinn

cc: Roberta A. Kaplan (by email)  
Andrew G. Celli (by email)

*Attorneys for Plaintiffs*

Clifford S. Robert (by email)  
Michael Farina (by email)

*Attorneys for Defendants*